

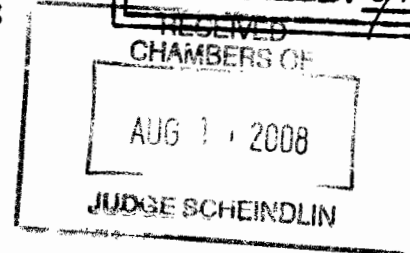
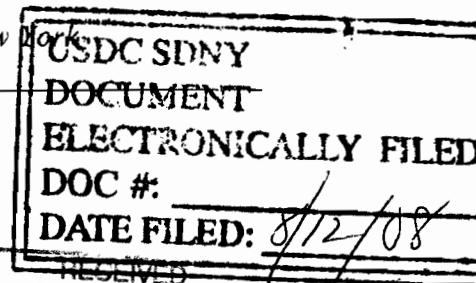


U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

August 11, 2008



**BY FACSIMILE**

Honorable Shira A. Scheindlin  
United States District Court  
Southern District of New York  
500 Pearl Street, Suite 1050  
New York, New York 10007

Re: United States v. Alexander Concepcion,  
07 Cr. 1095 (SAS)

Dear Judge Scheindlin:

The Government respectfully submits this letter to inform the Court that, on July 29, 2008, the Government filed a Notice of Appeal with the Second Circuit in connection with the Court's decision filed on July 1, 2008. The Government presently expects to have approval from the Solicitor General's Office to proceed with the appeal by early September. Accordingly, the Government respectfully requests that the conference scheduled for Wednesday, August 13, be adjourned until the middle of September (in the interim, the Government will keep the Court and the defendant apprised of the status of the appeal). The Government spoke with counsel for the defendant and he consented to the adjournment.

The Government notes that the defendant has been released on a bail package approved by the Court. In addition, under the Speedy Trial Act, time is automatically excluded pursuant to 18 U.S.C. § 3161(h)(1)(E) because it relates to delay resulting from an interlocutory appeal.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney  
Southern District of New York

By:

John T. Zach/William J. Harrington  
Assistant United States Attorney  
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*Request granted.  
Conference adjourned  
to September 19, 2008  
at 4:30.  
So ordered: J. T. Zach 8/12/08*